

**REMARKS**

In the Official Action of March 15, 2005, the Examiner rejected Claims 1, 7–9, 11, 14–16, 18 and 19 under 35 U.S.C. 102(b) as being anticipated by Burt U.S. Patent 3,217,935, and Claims 20, 21 and 23 under 35 U.S.C. 103(a) further in view of Campbell et al U.S. Patent 4,917,268. The remaining Claims 2–6, 12, 13 and 17, were indicated as containing allowable subject matter.

It appears that the 35 U.S.C. 103(a) rejection mistakenly included Claims 21 and 23, since the present application contains only Claims 1–20.

The claims have been amended in order to more sharply distinguish over these references. Favorable reconsideration of the claims, as amended, is respectfully requested in the light of the following remarks.

Original Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Burt. It is believed that original Claim 1 distinguished over Burt in the last recitation appearing in the claim, namely that the spout is movable with respect to the air–return passageway such that the air–return passageway does not change its position with respect to the housing during the extension and retraction of the spout. In Burt, the air–return passageway is described, in column 4, lines 43–47, as being the “venting surface”, which is further described, in the last sentence in column 3, as being “flat 34” formed on the outer surface of the spout 26. Clearly, this venting surface moves with the spout, and

therefore Burt does not clearly anticipate the above recitation in original Claim 1, particularly under 35 U.S.C. 102(b).

Nevertheless, Claim 1 has been amended in order to even more sharply distinguish over Burt. Thus, Claim 1 has been amended to set forth that the air–return passageway is defined by a fixed passageway extending through the housing, in addition to the recitation that the spout is movable with respect to the housing and the air–return passageway such that the air–return passageway does not change its position with respect to the housing during the extension and retraction of the spout. This language included in Claim 1, while broad enough to cover the two embodiments of the invention as described in Figs. 3–11 and 12–14, respectively, clearly distinguishes over Burt, as well the other references of record.

Claims 2–14 all depend from Claim 1, and are therefore submitted to be allowable with that claim for the same reasons as discussed above with respect to Claim 1, apart from the further features added in the respective dependent claims.

Claim 15 has been amended to include the features of original Claim 17, which the Examiner indicated were allowable. Thus, Claim 15, in effect, rewrites Claim 17 in independent form, and is therefore also believed allowable over the cited references.

Claim 16 depends from Claim 15, and is therefore also deemed allowable with that claim for the same reasons, apart from the further features added in the dependent claim.

Claim 18 has also been amended to include the features of original Claims 19 and 20. Thus, amended Claim 18, in effect, rewrites original Claim 20 in independent form, which the Examiner also indicated would be allowable.

In view of the foregoing, it is believed this application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sol Sheinbein', with a stylized, cursive script.

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